



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant: Ron Nevo, et al.

Application No.: 10/825,520

Filing Date: April 15, 2004

Attorney Docket No.: 18189

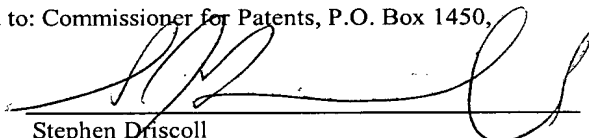
Title: OPTO-ELECTRIC MODULE AND METHOD OF
ASSEMBLING

Art Group: N/A

Examiner: N/A

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 27, 2004.


Stephen Driscoll

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 35 U.S.C. § 116 AND § 118 AND 37 C.F.R. § 1.47(a)

Dear Sir:

Applicants hereby submit a Petition for completing the requirements for filing the above-identified application under 35 U.S.C. § 111 and 37 C.F.R. § 1.63 with Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a) executed by inventors Dominic Canace and William Schnoor. We have been unable to locate co-inventor Ron Nevo to obtain his signature of the Declaration under 35 U.S.C. § 116 and 37 C.F.R. § 1.47(a).

10/04/2004 SDENB0B1 00000030 10825520

02 FC:1251

110.00 DP

Facts

- 1) Mr. Ron Nevo is one of the co-inventors named in U.S. Application No. 10/036,970, as evidenced by the attached copies of the executed Declaration and Assignment, on which the above-identified application is a continuation-in-part.

- 2) Several attempts have been made to contact Mr. Nevo by e-mail correspondence and by telephone to have him execute a Declaration and Power of Attorney and Assignment for the above-identified application.
- 3) On August 18, 2004 and August 23, 2004, attempts were made to contact Mr. Nevo by telephone. Detailed voice mail messages were left, and a request was made that he return the calls. Return phone calls were not received.
- 4) On August 23, 2004, during an on-line search to locate further contact information for Mr. Nevo, the following e-mail addresses were discovered:
rnevo@mobilian.com; and
ron.nevo@intel.com .
- 5) On August 23, 2004, an attempt to contact Mr. Nevo via e-mail at rnevo@mobilian.com was made. The e-mail transmission was unsuccessful.
- 6) On August 23, 2004, an attempt to contact Mr. Nevo via e-mail at ron.nevo@intel.com was made. Later that same day a return e-mail from ron.nevo@intel.com was received indicating he is not the Ron Nevo we are trying to locate.
- 7) On September 20, 2004, we sent a Federal Express package to his last known address. The package included a declaration, an assignment, a copy of the application as filed, and a postage-paid, return addressed Federal Express envelope. A copy of the cover letter accompanying this package is attached hereto. We have not yet received the documents or a reply to this package.

PETITION

In view of the foregoing facts, Applicants request that the present Application be regarded as complete under 35 U.S.C. § 115 and 37 C.F.R. §§ 1.63 and 1.64 pursuant to 35 U.S.C. § 116 and § 118 and 37 C.F.R. § 1.47(a). Granting of this Petition is necessary to preserve the parties' rights and to prevent irreparable damage to Applicants, which would occur if the above-identified patent application were to be abandoned.

The applicants also hereby petition the commissioner for a one-month extension of time, thereby extending the time through Monday, September 27, 2004. Please charge fees associated with this petition and with this application in general to the undersign's credit card in accordance with the attached authorization form.

PRAYER FOR RELIEF

Applicants pray for grant of this petition. This action is necessary to preserve the rights of the parties and to prevent irreparable damage. Early and favorable action on this Petition is earnestly solicited.

A handwritten signature in black ink, appearing to read 'SJD', is written over a horizontal line.

Stephen J. Driscoll
Registration No. 37,564
Attorney for Applicant
The Whitaker Corporation
4550 New Linden Hill Road
Suite 140
Wilmington, DE 19808
Telephone: (215) 923-2189
Facsimile: (302) 633-2776

SJD/dl



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 17720

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare, of my own knowledge or on information and belief, that:

My residence, post office address and country of citizenship are as stated below next to my name;

I am the original, first and sole inventor, if only one inventor is identified below, or an original, first and joint inventor, if more than one inventor is identified below, of the subject matter which is claimed and for which a patent is sought and which is entitled:

SNAP TOGETHER OPTOELECTRONIC MODULE

and which is described and claimed:

 X in the attached application including
specification and claims if this line is marked, or
 in the original specification and claims filed
on as U.S. Patent Application
Number or PCT International Application
Number .

I have reviewed and understand the contents of the specification and the claims;

I acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR §1.56(a). The text of 37 CFR §1.56(a) states,

"A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not

material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine: 1) prior art cited in search reports of a foreign patent office in a counterpart application, and 2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office;"

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Provisional Application No.: _____
Filing Date: _____

This application is a continuation pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No.: _____
U.S. Filing Date: _____ Status: _____

This application is a continuation-in-part pursuant to 35 USC §120 of each prior application (if any is identified) identified as follows:

U.S. Serial No.: _____
U.S. Filing Date: _____ Status: _____

and I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I claim foreign priority, pursuant to 35 USC §119(a)-(d) of an application for patent or inventor's certificate, and identify below said application (if any is identified) and any such foreign application (if any is identified) having a filing date before that of the application on which foreign priority is claimed;

Application No: _____ Country: _____
Filing Date: _____

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and I am warned that willful false statements and the like are punishable by fine or imprisonment, or both, (18 USC §1001) and may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Salvatore Anastasi (Registration No. 39090), Michael J. Aronoff (Registration No. 37770), Stephen J. Driscoll (Registration No. 37564) Robert J. Kapalka (Registration No. 34198), Driscoll A. Nina, Jr. (Registration No. 34685), Joseph A. Tessari (Registration No. 32177) and Bruce J. Wolstoncroft (Registration No. 32075), and whose post office address is: The Whitaker Corporation, 4550 New Linden Hill Road, Suite 450, Wilmington, DE 19808-2952, or their duly appointed associate, my attorneys or agents with full powers of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Direct all correspondence to the address:

Tyco Technology Resources
4550 New Linden Hill Road
Suite 450
Wilmington, Delaware 19808-2952

Dominic F. Canace

Dominic F. Canace 18 DEC 01

Full Name of First Inventor

Inventor's Signature Date

USA / 63 Teaberry Drive, Edison, NJ 08820

Citizenship / Residence

Same as above

Post Office Address

Ronald Nevo

Ronald Nevo 18 DEC 01

Full Name of First Inventor

Inventor's Signature Date

Israel / 3009 Garfield Place, Fair-Lawn, NJ 07410

Citizenship / Residence

Same as above

Post Office Address

ASSIGNMENT

I/We, Dominic F. Canace who resides at 63 Teaberry Drive, Edison, NJ 08820 and Ronald Nevo who resides at 3009 Garfield Place, Fair-Lawn, NJ 07410

have made certain inventions or discoveries (or both) set forth in an application for Letters Patent of the United States of America entitled

SNAP TOGETHER OPTOELECTRONIC MODULE

which application was executed by the inventor on the date of execution of this assignment, and is identified by Attorney Docket Number 25,380USA,

and Tyco Electronics Corporation

whose address is 2901 Fulling Mill Road, Middletown, PA 17057

and which, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the title, rights, benefits and privileges hereinafter recited, and of confirming the same or any part thereof heretofore acquired by Assignee.

Now, therefore, for valuable consideration furnished by Assignee to me/us, receipt and sufficiency of which I/we hereby acknowledge, I/we hereby, without reservation:

1. Assign and convey to and confirm in Assignee the entire right, title and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or discoveries or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries on any or all of said inventions and discoveries in my/our name(s) or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise;

3. Authorize and request the Commissioner of Patents of


the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein or otherwise as Assignee may direct;


4. Warrant that I/we have not knowingly conveyed to others any right in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I/we have good right to assign the same to Assignee without encumbrance;

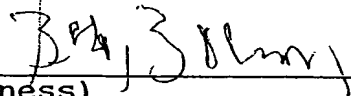
5. Bind my/our heirs and legal representatives, as well as myself/ourselves, to do, upon Assignee's request and at its expense, but without additional consideration to me/us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me/us or my/our heirs or representatives if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me/us relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my/our control or in the control of my/our heirs or legal representatives and which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

The effective date of this instrument is the latest date accompanying signature(s), herein below.

In testimony whereof I/we have affixed my/our signature(s).

 12/18/01 NEVO 18 Dec 01
(Witness) (Date) (Inventor) (Date)


ARTHUR G. GLASS 12/18/01
(Witness) (Date)

 12/18/01 DOMENICH F CANAC 18 DEC 01
(Witness) (Date) (Inventor) (Date)

 12/18/01
(Witness) (Date)

ALEXIS BARRON
JOSEPH F. POSILLICO
BRYNA S. SILVER
GARY A. HECHT
THEODORE NACCARELLA
LISA B. LANE
STEPHEN J. DRISCOLL
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PAUL SYNNESTVEDT (1897-1950)
HARVEY LECHNER (1909-1954)



SYNNESTVEDT & LECHNER LLP

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PETER D. MLYNEK, PH.D.
PATENT AGENTS

COZETTE M. McAVOY
SCIENTIFIC ADVISOR

*ADMITTED ONLY IN NJ
**ADMITTED ONLY IN CO

September 20, 2004

Mr. Ron Nevo
3009 Garfield Pl.
Fair-Lawn, New Jersey 07410

VIA FEDERAL EXPRESS

Re: Opto-Electric Module and Method of Assembling
TWC Reference No. 18189
S&L File No. P26,573-A USA
U.S. Patent Application No. 10/825,520

Dear Mr. Nevo:

Enclosed herewith in connection with the above-identified patent application are the following:

- 1) Assignment;
- 2) Declaration and Power of Attorney; and
- 3) Copy of Application as filed.

The first two documents require the signatures of you and your co-inventors. Please sign and date the declaration where indicated and execute the assignment in the presence of a witness as indicated. Please send copies of the documents to me via facsimile or e-mail and mail the originals in the enclosed, prepaid, self-addressed Federal Express envelope to the address above. The deadline for filing these documents with the U.S. Patent and Trademark Office is **September 25, 2004.**

This application (copy attached) was filed claiming priority to Provisional Application No. 60/516,675 (inventors: Ron Nevo and Dominic Canace), and co-pending Application No. 10/036,970 (inventor: William Schnoor) and incorporated the subject matter of both.

In addition, you should understand that persons involved in the filing of a patent application have the duty to disclose to the Patent and Trademark Office any prior art which they believe may be material to the examination of the application. Such information includes such

SYNNESTVEDT & LECHNER LLP

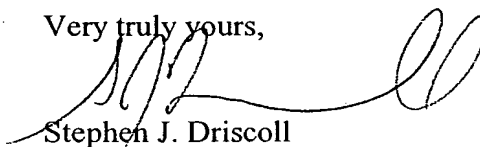
Mr. Ron Nevo
September 20, 2004
Page 2

things as prior patents, publications, public uses and/or sale of the subject matter described in the claims.

Please let me know whether you know of anything which might need to be disclosed to the Patent Office. If you are unsure of anything, please contact me. Also, since our duty of disclosure extends throughout the prosecution of the application, if in the future you come across some additional material information of which you presently are unaware, you should let me know of it promptly after you discover it.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SJD', followed by a long horizontal line and a circular flourish.

Stephen J. Driscoll

SJD/dl
Enclosures

M:\SDriscoll\Whitaker\26573-A USA\Ltr to R. Nevo re execution of docs.wpd